

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

IN RE:

ERNESTINE ROBINSON,

Debtor.

ERNESTINE ROBINSON, *individually and
on behalf of a class of similarly situated individuals,*

Plaintiff,

v.

PORANIA LLC,

And

BILTMORE ASSET MANAGEMENT, LLC,

Defendants.

**Case No. 16-30817-KLP
(Chapter 13)**

Adv. Pro. No. 17-03023-KLP

**PORANIA’S SUPPLEMENTAL BRIEFING IN SUPPORT OF
MOTION TO DISMISS AMENDED COMPLAINT**

Defendant Porania LLC (“Porania”), by counsel, in consideration of the U.S. Supreme Court’s decision in *Midland Funding, LLC v. Johnson*, 137 S. Ct. 1407, 197 L. Ed. 2d 790 (2017), hereby submits this Supplemental Briefing to its motion to dismiss the Amended Complaint filed by Plaintiff Ernestine Robinson. *See* ECF 27, 28.

In addition to its previous arguments, Porania wholly adopts and *incorporates by reference* the Supplemental Briefing filed by Co-Defendant Biltmore Asset Management, LLC, which arguments apply equally to Porania. *See* ECF 52. As indicated therein, the Supreme Court’s decision in *Midland Funding, LLC v. Johnson*, 137 S. Ct. 1407, 197 L. Ed. 2d 790 (2017),

precludes application of Plaintiff's claims under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*, in the context of this Chapter 13 bankruptcy.

WHEREFORE, Porania respectfully requests that the Court grant its Motion to Dismiss the Amended Complaint; dismiss the Amended Complaint as against Porania *with prejudice*; and grant such other relief as the Court deems just and proper.

Dated: October 17, 2017

Respectfully submitted,

PORANIA LLC

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2017, I electronically filed the foregoing Supplemental Briefing with the Clerk of the Court using the CM/ECF System, which will then send a notification of such filing (NEF) to the following counsel of record:

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